

**FLATHEAD COUNTY PLANNING BOARD
MINUTES OF THE MEETING
MARCH 10, 2021**

**CALL TO ORDER
5:58 PM**

A meeting of the Flathead County Planning Board was called to order at approximately 5:58 p.m. in the 2nd Floor Conference Room of the South Campus Building, 40 11th Street West, Suite 200 Kalispell, MT 59901. Board members present were Sandra Nogal, Greg Stevens, Elliot Adams, Verdell Jackson, and Buck Breckinridge. Mike Horn, Jeff Larsen, Ron Schlegel, and Kevin Lake had excused absences. Erik Mack, Laura Mooney, Donna Valade, and Mark Mussman represented the Flathead County Planning & Zoning Office.

There were approximately 6 members of the public in attendance.

**APPROVAL OF
MEETING
MINUTES
5:59 PM**

Nogal made a motion, seconded by Jackson, to approve the February 10, 2021 meeting minutes.

Motion passed unanimously on a roll call vote.

**PUBLIC
COMMENT
(Public matters that
are within the
jurisdiction of the
Board 2-3-103
M.C.A)
5:59 PM**

None

**SOUTH LAMB
LANE
SUBDIVISION
(FPP-20-21)
6:00 PM**

A request from Karrow Properties, LLC with technical assistance from A2Z Engineering and Sam Cordi Surveying for preliminary plat approval of South Lamb Lane Subdivision, a proposal to create two (2) residential lots on 19.068 acres. The property is located at 1555 Karrow Avenue, Whitefish, MT within the Rural Whitefish Zoning District and is zoned R-2.5 (Rural Residential).

**STAFF REPORT
6:01 PM**

Laura Mooney reviewed staff report FPP-20-21 for the board.

**BOARD
QUESTIONS
6:03 PM**

None

**APPLICANT
PRESENTATION
6:03 PM**

Matt Nerdig, with A2Z Engineering, 138 E Center St., represented the applicants. He summarized the application. DEQ approval was in place. They were asking for it to be split so that each could be sold separately.

**BOARD
QUESTIONS
6:04 PM**

Stevens asked if Nerdig had reviewed the conditions of approval and if there were any that were unacceptable. Nerdig had reviewed and agreed with the conditions that were in place.

**AGENCY
COMMENTS
6:05 PM**

There were no public agencies present to comment. Staff reviewed the written agency comments to the board.

**PUBLIC
COMMENT
6:06 PM**

Maria Rosetti, 1530 Karrow Ave., spoke in opposition of the application. There were 6 houses being developed across the street. She wondered if there was going to be a traffic impact study on Karrow Road because of the increase of development.

Stevens explained that this proposal was only adding 1 residential parcel and there had been no indication that traffic would become an issue because of this proposal.

Rosetti wondered if a traffic impact study had been approved on the applications prior. Stevens said they were only discussing this 1 residential lot application.

**APPLICANT
REBUTTAL
6:09 PM**

None

**STAFF
REBUTTAL
6:09 PM**

Staff added that, aside from one additional lot being created, the average daily vehicle trips was 10.

**MAIN MOTION
TO ADOPT F.O.F.
(FPP-20-21)
6:10 PM**

Breckenridge made a motion, seconded by Adams, to adopt staff report FPP-20-21 as findings of fact.

**BOARD
DISCUSSION
6:10 PM**

None

**ROLL CALL TO
ADOPT F.O.F.
(FPP-20-21)
6:10 PM**

Motion passed unanimously on a roll call vote.

**MAIN MOTION
TO RECOMMEND
APPROVAL
(FPP-20-21)
6:11 PM**

Adams made a motion, seconded by Jackson, to recommend approval of FPP-20-21 to the Board of County Commissioners.

**BOARD
DISCUSSION
6:11 PM**

Stevens did not see any reason to vote against it as the DEQ had already been approved.

**ROLL CALL TO
RECOMMEND
APPROVAL
(FPP-20-21)
6:12 PM**

Motion passed unanimously on a roll call vote.

**OLD STONE NO. 2
SUBDIVISION
(FPP-20-22)
6:13 PM**

A request from Sands Surveying, Inc., on behalf of Mallory Corum, for preliminary plat approval of Old Stone No. 2 Subdivision, a proposal to create two (2) residential lots on 2.99 acres. The property is located at 1158 Old Stone Road near Whitefish, MT and is unzoned. The proposed lots will be served by an existing well and septic systems.

**STAFF REPORT
6:14 PM**

Erik Mack reviewed staff report FPP-20-22 for the board.

**BOARD
QUESTIONS
6:15 PM**

None

**APPLICANT
PRESENTATION
6:15 PM**

Eric Mulcahy with Sands Surveying, 2 Village Loop, represented the applicants. He summarized the proposal and the intent. The houses were already present on the property. He addressed the public comment received that Matt Trebesch, who wanted it on the record that the easement no longer existed. Mulcahy said it was updated and recorded on the digital plat map.

**BOARD
QUESTIONS
6:17 PM**

Stevens read the public comment received, which addressed that a septic approval, and stated it should be addressed before subdivision approval. Mulcahy pointed out the issue would be resolved through the COSA, which would make everything above board through the final plat.

Stevens wondered if there was a condition to ensure it would be accomplished. Mulcahy explained that, in this case, they could not create a parcel of land without a COSA. He did not see the standard condition for approval of DEQ.

	Staff interjected that it was Condition #5.
	Stevens said the condition seemed to satisfy the concern from the letter of objection.
AGENCY COMMENTS 6:20 PM	There were no public agencies present to comment. Staff reviewed the written agency comments to the board.
PUBLIC COMMENT 6:21 PM	Laura Owen, 339 Colorado Ave, spoke in favor of the application. She was the applicant and explained that she had the best intentions to improve the property out there. She discussed, at length, their plans. They were trying to get out of town and create an environment for their children to grow.
APPLICANT REBUTTAL 6:22 PM	None
STAFF REBUTTAL 6:22 PM	None
MAIN MOTION TO ADOPT F.O.F. (FPP-20-22) 6:23 PM	Adams made a motion, seconded by Jackson, to adopt staff report FPP-20-22 as findings of fact.
BOARD DISCUSSION 6:23 PM	Stevens said it was a fairly simple staff report and findings.
ROLL CALL TO ADOPT F.O.F. (FPP-20-22) 6:23 PM	Motion passed unanimously on a roll call vote.
MAIN MOTION TO RECOMMEND APPROVAL (FPP-20-22) 6:24 PM	Breckenridge made a motion, seconded by Jackson, to recommend approval of FPP-20-22 to the Board of County Commissioners.
BOARD DISCUSSION 6:24 PM	Stevens said it was a pretty straight forward application.

**ROLL CALL TO
RECOMMEND
APPROVAL
(FPP-20-22)
6:24 PM**

Motion passed unanimously on a roll call vote.

**LONE ASPEN
SUBDIVISION
(FPP-20-23)
6:25 PM**

A request from Sands Surveying, Inc., on behalf of Lancor LLC for preliminary plat approval of Lone Aspen Subdivision, a proposal to create two (2) new residential lots on 7.091 acres within the Big Mountain West Zoning District. The property is located at 217 Elk Highlands Drive, Whitefish, MT and is zoned BR-4 (Resort Business). The proposed lots will be served by the Big Mountain Water Company and Big Mountain Sewer District.

**STAFF REPORT
6:26 PM**

Donna Valade reviewed staff report FPP-20-23 for the board.

**BOARD
QUESTIONS
6:29 PM**

None

**APPLICANT
PRESENTATION
6:29 PM**

Eric Mulcahy with Sands Surveying, 2 Village Loop, was the representative for the applicants. He discussed the history of development on the property. He discussed their process they had been through with subdivision development.

**BOARD
QUESTIONS
6:31 PM**

Adams asked what the minimum lot size would be for BR-4. Mulcahy did not know offhand but reiterated that these lots were much larger than any of the neighboring lots. Staff read the regulations addressing the minimum lot area.

**AGENCY
COMMENTS
6:32 PM**

There were no public agencies present to comment. Staff had reviewed the agency comments in the staff report.

**PUBLIC
COMMENT
6:32 PM**

None

**APPLICANT
REBUTTAL
6:33 PM**

None

**STAFF
REBUTTAL
6:33 PM**

None

**MAIN MOTION
TO ADOPT F.O.F.
(FPP-20-23)
6:33 PM**

Nogal made a motion, seconded by Jackson, to adopt staff report FPP-20-23 as findings of fact.

**BOARD
DISCUSSION
6:33 PM**

None

**ROLL CALL TO
ADOPT F.O.F.
(FPP-20-23)
6:34 PM**

Motion passed unanimously on a roll call vote

**MAIN MOTION
TO RECOMMEND
APPROVAL
(FPP-20-23)
6:34 PM**

Adams made a motion, seconded by Jackson, to recommend approval of FPP-20-23 to the Board of County Commissioners.

**BOARD
DISCUSSION
6:34 PM**

Breckenridge asked if, per the staff recommendations, they should discuss striking conditions #22 and #23.

**MOTION TO
STRIKE
CONDITIONS #22
AND #23
6:37 PM**

Breckenridge motioned, seconded by Nogal, to strike Conditions #22 and #23.

**BOARD
DISCUSSION
6:37 PM**

The motion to strike Condition #22 and #23 was in line with the recommendations of the staff due to an error.

Breckenridge asked why they were not applicable. Staff said the property was within the Big Mountain Fire District, which covered a lot of the fire wise protection. It was also in an area where people were very diligent to being fire wise. In her opinion, they were redundant to other conditions.

**ROLL CALL TO
CONDITIONS #22
AND #23
6:37 PM**

Motion passed unanimously on a roll call vote.

**BOARD
DISCUSSION
6:37 PM**

None

**ROLL CALL TO
RECOMMEND
APPROVAL
(FPP-20-23)
6:37 PM**

Motion passed unanimously on a roll call vote.

**REVISIONS TO
THE FLATHEAD
COUNTY LAKE
AND LAKESHORE
PROTECTION
REGULATIONS
(FLLSTA-20-01)
6:39 PM**

A request by the Planning and Zoning Office for revisions to the text of the Flathead County Lake and Lakeshore Protection Regulations. The revisions would include changes to Section 3.2 Application and Review Procedure, elimination Sections 3.3 Review Procedure and Section 3.5 Administrative Permit Procedure. The request also proposes to add Section 5.4 Appeals.

**STAFF REPORT
6:40 PM**

Mussman reviewed the request from Planning and Zoning, through the Commissioners' Office in great detail.

**BOARD
QUESTIONS
6:45 PM**

Adams asked if the proposed changes had been reviewed with County Attorneys to make sure they complied with Montana Code. Mussman said they did. It was specifically regarding small activities and he discussed that in detail. Previously the specific activities, which he listed, were issued in house administratively and now needed to be reviewed by the County Commissioners.

Stevens asked if there had been a procedure that would elevate the review for administrative permits if it met any objection. Mussman explained the protocol that had been in place.

Jackson asked if the amendments applied to rivers. Mussman said that typically, if someone needed to create a dock on the river, it would be considered a flood plain development.

Adams had some questions about formatting in the documents. They discussed this at length.

**PUBLIC
COMMENT
6:57 PM**

None

**BOARD
DISCUSSION
6:57 PM**

None

**MOTION TO
RECOMMEND
APPROVAL
(FLLSTA-20-01)
6:58 PM**

Nogal motioned, seconded by Jackson, to recommend approval of FLLSTA-20-01 to Flathead County Commissioners.

**BOARD
DISCUSSION
6:58 PM**

None

**ROLL CALL TO
RECOMMEND
APPROVAL
(FLLSTA-20-01)
6:58 PM**

Motion passed unanimously on a roll call vote.

**OLD BUSINESS
6:59 PM**

Nogal discussed legal access issues that had come up in previous files. She wondered if it was ever appropriate to look at the subdivision regulations and make it so that if you can create your own access and egress, then you were obligated to do that. She did not accept the financial excuse as a reason not to do that. She referred to previous subdivisions that the board had heard. Mussman discussed the regulations in detail. He also discussed the history of the subdivision in question.

Breckenridge had also thought about the issue and proposed the idea of having dedication language on the plat. If Flathead County adopted a standard dedication language, which clearly stated what the roads were, including how to be public and how to be private. He had read through several dedications and several plats. If there was a standard language that every plat had, that essentially laid out what Flathead County intended the access to be for, it would clarify that.

Stevens said that was good but would need to be an agenda item for a future meeting and could not be accomplished tonight.

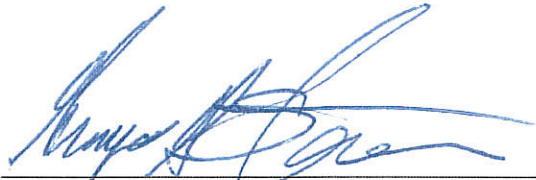
**NEW BUSINESS
7:07 PM**

Stevens asked if/when they would review the West Glacier Vision Plan. Mussman said they could view the document on the website but the Planning Board would review it sometime in the future.

Adams asked if they would be reviewing the Whistle Stop Retreat File They discussed the litigation that was going on between Friends of Lake Five and the County.

ADJOURNMENT
7:10 PM

The meeting was adjourned on a motion by Adams and Nogal at approximately 7:10 p.m. The next meeting will be held April 14, 2021



Greg Stevens, Vice-Chairman

Angela Phillips, Recording Secretary

APPROVED AS SUBMITTED/CORRECTED: 3 / 14 /21